

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

In re:
THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

HTA OF PUERTO RICO, *et al.*,

Debtors.¹

PROMESA
Title III

No. 17 BK 3283-LTS

(Jointly Administered)

**REPLY OF THE PUERTO RICO
HIGHWAYS AND TRANSPORTATION AUTHORITY
TO RESPONSE FILED BY ARACELIA TORRES IRIZARRY
TO SIXTY-SEVENTH OMNIBUS OBJECTION (NON-SUBSTANTIVE) TO
DUPLICATE AND DEFICIENT CLAIMS**

The Puerto Rico Highways and Transportation Authority (“HTA”), by and through the Financial Oversight and Management Board for Puerto Rico (the “Oversight Board”), as the representative of HTA pursuant to Section 315(b) of the *Puerto Rico Oversight, Management, and Economic Stability Act* (“PROMESA”),² files this reply (the “Reply”) to the *Reply to Sixty-Seventh Omnibus Objection (Non-Substantive) of the Puerto Rico Highways and Transportation Authority to Duplicate and Deficient Claims (Docket Entry No. 8302)* [ECF No. 8534] (the “Response”), filed by claimant Aracelia Torres Irizarry (the “Claimant”) to the *Sixty-Seventh*

¹ The Debtors in these Title III Cases, along with each Debtor’s respective Title III case number and the last four (4) digits of each Debtor’s federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (the “Commonwealth”) (Bankruptcy Case No. 17 BK 3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation (“COFINA”) (Bankruptcy Case No. 17 BK 3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority (“HTA”) (Bankruptcy Case No. 17 BK 3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico (“ERS”) (Bankruptcy Case No. 17 BK 3566-LTS) (Last Four Digits of Federal Tax ID: 9686); and (v) Puerto Rico Electric Power Authority (“PREPA” and together with the Commonwealth, COFINA, HTA, and ERS, the “Debtors”) (Bankruptcy Case No. 17 BK 4780-LTS) (Last Four Digits of Federal Tax ID: 3747) (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

² PROMESA is codified at 48 U.S.C. §§ 2101-2241.

Omnibus Objection (Non-Substantive) of HTA of Puerto Rico to Deficient Claims [ECF No. 8287] (the “Sixty-Seventh Omnibus Objection”). In support of this Reply, HTA respectfully represents as follows:

1. On July 26, 2019, HTA filed the Sixty-Seventh Omnibus Objection seeking to disallow certain proofs of claim that failed to comply with the applicable rules for filing a claim by asserting liabilities associated with bonds issued by another entity that is not one of the Debtors but not providing a basis for asserting a claim against HTA due to bonds not issued by HTA, and/or that asserted liability associated with one or more bonds issued prepetition by HTA that were duplicative of a master proof of claim filed in the HTA Title III Case by the fiscal agent or indenture trustee for the bonds at issue, each as listed on Exhibit A thereto.

2. Any party who disputed the Sixty-Seventh Omnibus Objection was required to file a response by 4:00 p.m. (Atlantic Standard Time) on August 28, 2019, in accordance with the Court-approved notice attached to the Sixty-Seventh Omnibus Objection as Exhibit C, which was served in English and Spanish on the individual creditors subject to the Omnibus Objections, the U.S. Trustee, and the Master Service List (as defined in the *Order Further Amending Case Management Procedures* [ECF No. 8027]). *See Certificate of Service* [ECF No. 8329].

3. On August 22, 2019, Claimant filed the Response. Therein, Claimant states that, by “involuntary error,” she “identified the wrong case and also made an error in the amount of my claim.” Resp. at 1. To correct that error, Claimant states that, on August 9, 2019, she sent an email to Prime Clerk, LLC, (“Prime Clerk”) the Debtors’ claims and noticing agent, attaching an “an amended proof of claim and evidence to sustain my claim.” *Id.* Claimant attached to the Response the email she submitted to Prime Clerk. In that email, Claimant states that she is

submitting a brokerage statement, and on page 4 of that statement, Claimant states that she intends to assert a “product that is PR Highway with Cusip number 745220JYO with the amount of \$10,000.00.” Resp. at 3.

4. Rather than treating Claimant’s response as an amendment to Claimant’s original claim, which was filed against HTA on May 7, 2018, and logged by Prime Clerk as Proof of Claim No. 10894 (the “Claim”), Prime Clerk appended the brokerage statement to Claimant’s Claim. Page 4 of the brokerage statement reflects a bond bearing CUSIP number 745220JYO, with a quantity of \$10,000. However, the brokerage statement states that the bond bearing CUSIP number 745220JYO was issued by the Puerto Rico Infrastructure Financing Authority (“PRIFA”), not by HTA. PRIFA, however, is not one of the Debtors, and neither the Claim nor the Response provides a basis for asserting a claim against HTA due to bonds issued by PRIFA.

5. Accordingly, HTA respectfully requests that the Court grant the Sixty-Seventh Omnibus Objection and disallow the Claim.

Dated: September 4, 2019
San Juan, Puerto Rico

Respectfully submitted,

/s/ Hermann D. Bauer

Hermann D. Bauer

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CERTIFICATE OF SERVICE

I hereby certify that on September 4 2019, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification to all counsel of record, and all CM/ECF participants in the case.

/s/ Hermann D. Bauer

Hermann D. Bauer